IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

CRP.No. 2556 of 1998(F)

TLB(K.256/1978 of TALUK LAND BOARD, KOZHIKODE

.....

REVN. PETITIONER:

P.K. ASIYA ALIAS RAZIYA,
W/O.M.P.ALI LHASSAN, ANAYAMKUNNU DESOM,
KUMARANELLUR VILLAGE. (DIED)

ADDL. 2. RAMSHI, M.P., SON OF ALI HASSAN, AGED 34 YEARS,
RESIDING AT PUTHIYAPARAYIL HOUSE, ANEYAMKUNNU DESOM,
KUMARANELLOOR VILLAGE, KOZHIKODE TALUK.

(ADDITIONAL 2ND PETITIONER, WHO IS THE LEGAL HEIR OF THE DECEASED SOLE PETITIONER, IS IMPLEADED AS PER ORDER DATED 16/10/2006 ON I.A.NO.201/2006)

BY ADV. SRI.V.GIRI

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. CHAIRMAN, TALUK LAND BOARD, KOZHIKODE.

BY GOVERNMENT PLEADER SRI SHYSON P. MANGUZHA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP.NO.5074/1998 IN CRP.NO.2556/1998

DISMISSED

19/2/2007 Sd/- P.R.RAMAN, JUDGE.

P.R.RAMAN,J.

C.R.P.NO.2556 OF 1998

Dated this the 19th day of February, 2007

O R D E R

This revision is filed against the order of the Taluk Land Board, Kozhikode in TLB(K) 256/78. According to the petitioner, an extent of 1 acre of land in R.S.No.121/1A1 in Anayamkunnu desom of Kumaranellur Village was purchased by the petitioner, as per sale deed of the year 1985. It is liable to be excluded from the ceiling case of the declarant, in view of the newly inserted Section 7E of Act 21/2006. The benefit of the provision could not be considered by the Taluk Land Board, since the newly inserted provision was introduced only from the year 2006, long after the order of the Taluk Land Board. The newly inserted provision opens with the non-

obstante clause and confers fixity of tenure on such person, who acquired lands by paying consideration and confers the status of a deemed tenant, provided he does not hold an extent of more than four hectares of land. The Taluk Land Board is bound to reopen the case for consideration of the benefit conferred by the new provision.

2. In the circumstances, the order of the Taluk Land Board as against the petitioner is set aside and the matter is remanded to the Taluk Land Board for consideration of the benefit conferred by the new provision and dispose of the matter in accordance with law.

C.R.P. is allowed by way of remand.

P.R.RAMAN,
Judge.

kcv.

P.R.RAMAN, J.

C.R.P.NO.2556 OF 1998

O R D E R

19th February, 2007